

CHAPTER 97: TOWING OF VEHICLES REGULATIONS

Section

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§ 97.01 TOWING OF VEHICLES FROM PRIVATE PROPERTY

(A) It shall be unlawful for any person to authorize, direct or contract for the nonconsensual towing of a vehicle from private property for designated parking violations, unless the following conditions are satisfied:

(1) Signs no smaller than 24" x 24" prominently displayed at the entrance to the parking lot clearly stating that a vehicle not authorized to park on the property will be towed away at the owner's expense and the sign shall display the name and telephone number of the towing and storage company; (Ord. No. 1754, passed 9-13-10)

(2) The signs provide a telephone number whereby the vehicle owner may call and, whether by live response or recorded message, learn where and when they may retrieve their vehicle;

(3) The company towing the vehicle must telephone the Matthews Police Department prior to making connection to the vehicle, and advise the vehicle description and the location where the vehicle will be stored.

(B) This section shall not apply to nonconsensual towing of vehicles from residential premises (improved or unimproved); nor shall it apply to statutory parking violations, such as handicapped parking or fire lane parking violations; nor does it apply to nonconsensual towing directed by a law enforcement officer.

§ 97.02 TOWING CHARGES

(A) Whenever a vehicle with a gross weight of 8,500 pounds or less is non-consensually towed from private property pursuant to 97.01 (A), the service charge or tow fee shall not exceed \$100.00.

(B) Whenever a vehicle with a gross weight of more than 8,500 pounds is non-consensually towed from private property pursuant to 97.01 (A), the service charge or tow fee shall not exceed \$250.00.

(C) The storage fees shall be \$20.00 per day, which shall begin to accrue after the vehicle has been stored on the lot for twelve (12) hours. If any vehicle is removed pursuant to this Chapter and there is a place of storage within fifteen (15) miles, the vehicle shall not be transported for storage more than fifteen (15) miles from the place of removal; for all other vehicles the vehicle shall not be transported for storage more than twenty five (25) miles from the place of removal. (Ord. No. 1754, passed 9-13-10)

(D) Whenever a tow company is attempting to tow a vehicle, pursuant to 97.01 (A), and has already connected the vehicle to the tow truck, and the vehicle owner/driver appears and does not desire the vehicle to be towed, then the vehicle shall be released to the owner/driver upon the payment of \$25.00. If the vehicle has not been connected to the tow truck, then the vehicle shall be released to the owner/driver immediately at no charge or fee.

(E) The maximum rates established in this section shall be a flat fee that shall be inclusive of all towing charges. A 'towing charge' includes, but is not limited to, any fees for:

(1) special equipment such as, but not limited to, a double hook-up, vehicle entry when vehicle is locked, dropping transmission linkage, axle or drive shaft removal, dollies, skates, trailer or flat bed, lift, slim jims, go jacks, removing bumpers, airing up brakes, and mileage;

(2) time spent on the scene of tow;

(3) gate fees, and fees for returning to the location where the vehicle is stored in order to release.

(F) Any person who tows or stores a vehicle subject to this Chapter, shall inform the owner of the vehicle towed in writing at the time of retrieval of the vehicle that the owner has a right to pay the amount of the lien asserted, request immediate possession, and contest the lien for towing charges pursuant to the provisions of N.C.G.S. § 44A-4; further, any person who tows or stores a vehicle subject to this Chapter shall not require any person retrieving the vehicle to sign any waiver of rights or other similar documents as a condition of the release of the person's vehicle, other than a form acknowledging the release and receipt of the vehicle

(Ord. No. 1754, passed 9-13-10)

§ 97.03 PENALTY

(A) Violations of this ordinance by the same towing company within any twelve-month period shall result in the issuance of civil citations upon the following schedule:

1 st violation	\$100
2 nd & 3 rd violations	\$250
4 th & 5 th violations	\$500

(B) Civil fines assessed for violations of this section must be paid within ten (10) calendar days.

(C) A civil delinquency penalty equal to the amount of the civil fine shall be assessed of the violator if the fine is not paid within ten (10) days of issuance of the original citation.

(Ord. No. 954, passed 3-9-98; Ord. No. 1223, passed 6-24-02; Ord. No. 1225, passed 7-8-02; Ord No. 1666, passed 1-26-09; Ord. No. 1688, passed 05-26-09)